



JUDICIAL COUNCIL  
OF CALIFORNIA

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COMMISSION FOR  
IMPARTIAL COURTS

**Task Force on Judicial Campaign Finance  
Commission for Impartial Courts**

Judicial Council of California  
Southern Regional Office, Sunset Boulevard Room  
2255 North Ontario Street  
Burbank, CA 91504

November 27, 2007  
10:00 a.m. – 3:00 p.m.

**Summary of Meeting**

**Members present:** Hon. William MacLaughlin, Task Force Chair; Hon. Richard Aldrich; Hon. Gail Andler; Ms. Denise Gordon; Hon. Bruce McPherson; Hon. Heather Morse; Mr. Michael Planet; Mr. Thomas Warwick, Jr.

**Members participating by telephone:** Hon. Alden Danner; Ms. Rozenia Cummings; Mr. Charles Kim, Jr; Mr. Robert Leidigh (advisory member); Ms. Angela Padilla; Mr. Gerald Uelmen.

**Members absent:** None.

**Consultant present:** Ms. Deborah Goldberg.

**Staff present:** Mr. Chad Finke, Committee Counsel; Ms. Tracy Tognetti, Court Services Analyst.

**Others present:** Mr. Kenneth Ofgang, Metropolitan News-Enterprise.

**1. Public comment period.**

*Background:*

Public comments were invited during the 15-minute interval at the beginning of the meeting. In addition, a press release regarding the meeting time, date, location, and agenda was circulated in advance of the meeting date.

*Action:*

No requests to comment were received, and no members of the public appeared to comment.

## **2. Discussion of Task Force logistics and administrative matters.**

### *Background:*

The Chair and staff discussed with the members potential meeting dates for future task force meetings, the tentative schedule for the preparation of the Task Force's Interim Report, and the use of a Moodle web site as a central repository for storing and distributing task force materials.

### *Actions:*

- Task Force members will contact staff about their availability for the following meeting dates: February 4, 2007 in San Francisco; April 28, 2007 in Burbank; June 23, 2007 in San Francisco; September 12 or 15, 2007 in Burbank; November 17 or 21, 2007 in San Francisco; and February 9, 2008 in Burbank.
- The Chair will discuss with staff future locations of Task Force meetings, including where all meetings should be held in San Francisco.
- Although this has not been confirmed, it appears that the expectation will be that the Interim Report will be presented to the Steering Committee in April 2008.
- The Task Force will use a Moodle web site—which has already been established—as a means of sharing and distributing “third party” documents. The Task Force will not, however, use the Moodle site to circulate Task Force-created documents such as draft minutes, agendas, and independent research summaries or analyses; those documents will continue to be circulated by e-mail. Also, the Moodle site will only be used for document hosting and retrieval; it will not be used for, e.g., discussion forums or other commentary upon the documents.
- Task Force members may contact staff to request that Moodle accounts be established.
- Members requested that a portion of the next Task Force meeting be devoted to Moodle training, to be given by AOC staff.

## **3. Report by Working Group 1 on issues discussed on October 22, 2007, conference call and issues to be discussed at future Working Group 1 meetings; open discussion of those issues.**

### *Background:*

Judge Morse, Chair of Working Group 1, summarized the issues discussed at the conference call meeting on October 22, 2007, and the issues that the Working Group plans to discuss at upcoming meetings.

The Task Force members then engaged in open discussion of these issues, which included:

- What arguments or policies support possibly recommending the establishment of contribution limits in connection with judicial elections.
- Whether concerns that might be addressed via the establishment of contribution limits could be addressed in some other way, e.g., through the establishment of blind trusts.
- The purpose behind contribution limits, including whether they are intended to curb spending, encourage a candidate to broaden his or her support base, and/or reduce the likelihood of bias or the appearance of bias.
- Whether any data exists supporting a demonstrable link between the amount of contributions given to judicial candidates and subsequent judicial decisionmaking.
- The effect of contribution limits on the pool of potential candidates for judicial office.
- Whether it is legally permissible to curtail a candidate's self-spending, as opposed to limiting the amount that a candidate may *loan* to his or her campaign.
- The possibility of recommending different levels of contribution limits (if at all) for different types (e.g., superior versus appellate) and sizes of courts.
- The issue of "bundling," i.e., where one person or entity is able to collect and transmit a large number of contributions to a candidate, thus potentially enhancing the bundler's influence on the recipient while avoiding violation of contribution limits.
- The interrelation between contribution limits (and the issues underlying them) and public funding of judicial elections.
- The ways in which other states have addressed contribution limits in the context of judicial elections, including whether any of those ways have been particularly successful or unsuccessful.
- Potential legal hurdles to imposing limits on contributions to groups/entities engaging in independent spending.
- Whether it might be possible and/or desirable to devise a system under which contribution limits only go into effect upon the occurrence of certain "trigger events," and what those events might be.
- The use, by special interest groups, of judicial elections to "energize the voter base," i.e., the potential for a group targeting a particular judge as a means of motivating voters to turn out generally and/or to vote for or against certain issues or other candidates.

*Actions:*

Neither Working Group 1 nor the Task Force has any recommendations on these issues at this time.

Working Group 1 will add both "trigger events" and "bundling" to the list of possible issues to consider on a future conference call meeting.

**4. Report by Working Group 2 on issues discussed on November 5, 2007, conference call and issues to be discussed at future Working Group 2 meetings; open discussion of those issues.**

*Background:*

Judge Andler, Chair of Working Group 2, summarized the issues discussed at the conference call meeting on November 5, 2007, and the issues that the Working Group plans to discuss at upcoming meetings.

The Task Force members then engaged in open discussion of these issues, which included:

- Which entity or agency is the most appropriate/has the ability and capacity to maintain judicial campaign disclosure information.
- Whether the law would permit electronic disclosure of judicial campaign information to be mandatory.
- What the cost would be—both to candidates and to the hosting entity/agency—of mandatory e-filing of judicial campaign disclosure information.
- Whether potential electronic disclosure requirements could/should be tied to some monetary threshold amount.
- The fact that California’s current disclosure laws are generally well-regarded in terms of what information is required to be disclosed and when.
- Methods of enhancing the public’s ability to obtain judicial campaign disclosure information.
- Possible means of obtaining judicial campaign disclosure information for all or a sampling of courts over the course of recent election cycles.
- The possibility of having a campaign treasurer or treasurers appear at a future Task Force meeting to discuss the process of e-filing, and the potential costs if e-filing requirements were (a) expanded to include judicial candidates, and /or (b) triggered at a lower monetary threshold.
- The possibility of getting information from other states that have successful electronic access systems in place vis-à-vis judicial campaign disclosure information about how those states implemented their systems, the costs of doing so, etc.
- If judicial campaign disclosure information is made more readily available electronically, the need to educate the public on how to access that information.

*Actions:*

Neither Working Group 2 nor the Task Force has any recommendations on these issues at this time.

The Task Force members requested that a campaign treasurer or treasurers appear either in person or via conference call at a future Task Force meeting to discuss the process of, and costs associated with, electronic filing of disclosure information.

## **5. Preparation of materials in advance of next Task Force meeting.**

### *Background:*

The Task Force discussed the legal and factual information/data needed in order to proceed with its charge and begin developing recommendations to present to the Steering Committee.

### *Actions:*

Prior to the next Task Force meeting, committee counsel will attempt to:

- Review and analyze the data in the chart obtained by staff from the Federal Election Commission web site, and then summarize the pertinent data relating to judicial elections.
- Consider whether it is feasible to have judicial campaign contribution limits come into effect only upon the occurrence of certain “trigger events,” and, if so, what those events might be.
- Continue efforts to obtain, at a minimum, judicial candidate disclosure information (a) from a representative sample of counties, (b) over the last several election cycles (i.e., from 2000 onward).
- Circulate information to Task Members about the methodology under which California was graded with respect to the status of its current laws and programs pertaining to campaign disclosures.
- Compile a list of questions that the Task Force would like to have campaign treasurers address, in anticipation of one or more such treasurers making a presentation at an upcoming Task Force meeting.

Prior to the next Task Force meeting, Ms. Goldberg, the Task Force’s consultant, will attempt to:

- Obtain information from Illinois and Minnesota—which were both rated highly with respect to their systems for allowing the public to access campaign disclosure information electronically—as to how those systems were developed, what the cost and burden of implementing those systems were, etc.

## **6. Adjournment.**

The Task Force meeting adjourned at 3:00 p.m.